

LaBletta & Walters LLC
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
Conshohocken, PA 19428
610.828.3339
Attorneys for Defendant,
Encompass Insurance Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ELIZABETH JOHNSON : Document Filed Electronically
Plaintiff, :
v. :
ENCOMPASS INSURANCE COMPANY : CIVIL ACTION NO:
Defendant. : NOTICE OF REMOVAL

TO: THE HONORABLE JUDGES FOR
UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

Defendant, Encompass Insurance Company, by and through its attorneys, LaBletta & Walters LLC, hereby files this Notice of Removal of the above-captioned matter and in support thereof, respectfully says:

1. Plaintiff, Elizabeth Johnson commenced this action on April 14, 2017 by filing a civil action complaint in the Superior Court of New Jersey, Law Division, Bergen County, entitled Elizabeth Johnson v. Encompass Insurance Company and was given Docket No.: BER-L-001142-17. The action is currently pending in that court.

2. The Complaint was served upon Defendant, Encompass Insurance Company (“Defendant”), on April 21, 2017.

3. The Complaint seeks damages for breach of contract, breach of implied covenant of good faith and fair dealing, and the New Jersey Consumer Fraud Act.

4. A copy of the Summons and the Complaint is attached hereto as Exhibit "A."

5. At the time this action was commenced and continuing to the present, Defendant is a corporation incorporated under the laws of the State of Illinois, with its principal place of business in the State of Illinois.

6. At the time this action was commenced and continuing to the present, the Plaintiff is a citizen of the State of New Jersey with her principal residence being 16 Maple Street, Closter, New Jersey 07624. See Ex. "A" at ¶ 4.

7. By reason of said residence and domicile, Plaintiff is a citizen of the State of New Jersey.

8. The amount in controversy, based on the allegations in the Complaint, exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and costs.

9. Specifically, in the complaint, Plaintiff is seeking compensatory damages, consequential damages, attorney's fees, treble damages, and punitive damages.

10. The present lawsuit is removable from state court to the United States District Court for the District of New Jersey pursuant to 28 U.S.C.A. §1332(a) and 28 U.S.C. §1441(a) because complete diversity of citizenship exists among the parties and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs.

11. Copies of all process, pleadings and orders that have been received by Defendant are filed herewith and attached collectively hereto as Exhibit "A".

12. This Notice is timely, being filed within thirty (30) days of the service of the Complaint as provided by 28 U.S.C. 1446(b).

WHEREFORE, Defendant, Encompass Insurance Company, respectfully requests that the above captioned matter now pending against it in the Superior Court of New Jersey, Law Division, Bergen County, be removed to the United States District Court for the District of New Jersey.

Respectfully submitted,

LABLETTA & WALTERS LLC

By: /s/ Christian P. LaBletta
CHRISTIAN P. LABLETTA, ESQ.
Attorney for Defendant, Encompass
200 Barr Harbor Drive, Suite 400
Conshohocken, PA 19428
Phone: 610.828.3339
Fax: 610.828.3347
clabletta@lablettawalters.com

Dated: May 18, 2017

LaBletta & Walters LLC
Four Tower Bridge
200 Barr Harbor Drive, Suite 400
Conshohocken, PA 19428
610.828.3339
Attorneys for Defendant,
Encompass Insurance Company

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

| | | |
|-----------------------------|---|--------------------------------------|
| ELIZABETH JOHNSON | : | Document Filed Electronically |
| Plaintiff, | : | |
| v. | : | CIVIL ACTION NO: |
| ENCOMPASS INSURANCE COMPANY | : | NOTICE OF REMOVAL |
| Defendant. | : | |

AFFIDAVIT

CHRISTIAN P. LaBLETTA, ESQUIRE, being sworn according to law, deposes and says that he is the counsel for Defendant, Encompass Insurance Company, in the within matter; and that he has read the foregoing Notice of Removal and believes it to be true and correct, to the best of his knowledge, information and belief.

LABLETTA & WALTERS LLC

By: /s/ Christian P. LaBletta
CHRISTIAN P. LABLETTA, ESQ.
Attorney for Defendant, Encompass
200 Barr Harbor Drive, Suite 400
Conshohocken, PA 19428
Phone: 610.828.3339
Fax: 610.828.3347
clabletta@lablettawalters.com

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**IN THE UNITED STATES DISTRICT COURT
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| ENCOMPASS INSURANCE COMPANY | : | NOTICE OF REMOVAL |
| Defendant. | : | |

CERTIFICATE OF FILING AND SERVICE

I, CHRISTIAN P. LaBLETTA, ESQUIRE, hereby certify that on this date a copy of the foregoing Notice for Removal has served upon counsel for Plaintiff via FedEx Overnight Delivery to Robert T. Trautmann, Esquire, Merlin Law Group, 125 Half Mile Road, Suite 201, Red Bank, New Jersey 07701. I hereby further certify that on this date I served two copies of the foregoing documents to be served via FedEx Overnight Delivery to the Clerk, Superior Court of New Jersey, Law Division, Bergen County Courthouse, 10 Main Street, Hackensack, New Jersey 07601.

LABLETTA & WALTERS LLC

By: /s/ Christian P. LaBletta
CHRISTIAN P. LABLETTA, ESQ.
Attorney for Defendant, Allstate
200 Barr Harbor Drive, Suite 400
Conshohocken, PA 19428
Phone: 610.828.3339
Fax: 610.828.3347
cabletta@lablettawalters.com

Dated: May 18, 2017